

FILED
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CLERK'S OFFICE

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_____)	
MARK N. FELLEENZ,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 04-10563-PBS
ENKATA TECHNOLOGIES, INC.,)	
)	
Defendant)	
_____)	

LOCAL RULES 16.1(D) JOINT STATEMENT OF THE PARTIES

Pursuant to Local Rule 16.1(D), the plaintiff, Mark N. Fellenz, and the defendant, Enkata Technologies, Inc., hereby submit the following joint statement:

1. Discovery Plan

A. Plaintiff's Proposed Plan

The plaintiff believes that a two (2) month discovery schedule ending on May 3, 2005 is more than sufficient. The plaintiff also believes that two (2) depositions are more than sufficient for each side.

B. Defendant's Proposed Plan

The defendant believes that discovery in this matter can be concluded by October 31, 2005. With respect to depositions, the defendant requests that it be allowed to take six (6) depositions.

C. Written Discovery Plan of The Parties

With respect to the written discovery events, the parties agree that each party will be allowed twenty-five (25) interrogatories, twenty-five (25) requests for admission and two (2) separate sets of request for production of documents.

2. Proposed Schedule for filing of Motions

The parties herein are in agreement that each party shall have thirty (30) days from the close of discovery (A date upon which they could not agree; see above) in which to file motion for summary judgment.


3. Certifications Pursuant to Local Rule 16.4

The plaintiff is an individual, *pro se*, litigant and is therefore not required to file a Rule 16.4 Certification. The defendant has submitted herewith the required certification.

4 Other Matters

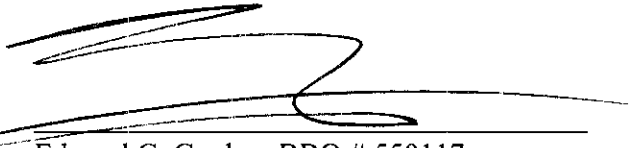
During their conference, counsel for the parties discussed whether they would consent to trial by magistrate judge or binding arbitration. Defendant consents to neither. Plaintiff prefers the judgment of the Honorable Patti B. Saris over that of Magistrate Judge, and Plaintiff would be interested in exploring binding arbitration. Defendant is willing to consider mediation, but plaintiff leans toward declining given its non-binding nature. Additionally, with respect to the agenda of matters to be discussed at the scheduling conference, the plaintiff would like to discuss certain filings that he made with this court that are still pending, the prospect of Cooperative Discovery as outlined in Local Rule 26.1(a), and the scope of Discovery itself.

Respectfully submitted,
By the Plaintiff,



Mark N. Fellenz, PRO SE
95 Langley Road #1
Newton Center, MA 02459
(857) 205-5742

Respectfully Submitted,
ENKATA TECHNOLOGIES, INC.
By its attorney,



Edward C. Cooley BBO # 550117
GIARRUSSO, NORTON, COOLEY
& McGLONE, P.C.
308 Victory Road
Quincy, MA 02171
(617) 770-2900

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARK N. FELLEENZ,

Plaintiff,

v.

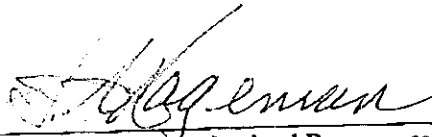
ENKATA TECHNOLOGIES, INC.,

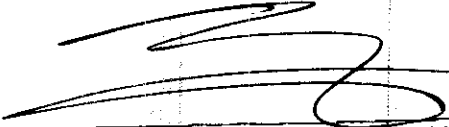
Defendant

C.A. No. 04-10563-PBS

**LOCAL RULE 16.1 (D)(3) CERTIFICATION
OF ENKATA TECHNOLOGIES, INC.**

Pursuant to Local Rule 16.1(D)(3), the undersigned counsel and an authorized representative of the defendant, Enkata Technologies, Inc., certify that they have conferred with a view to establishing a budget for the costs of this litigation and to consider the resolution of the litigation through the use of alternate dispute resolution programs.


Samuel A. Hageman Authorized Representative
ENKATA TECHNOLOGIES, INC


Edward C. Cooley BBO# 550117
GIARRUSSO, NORTON, COOLEY
& McGLONE, P.C.
308 Victory Road
Quincy, MA 02171
(617) 770-2900

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the
above document was served upon the
attorney of record for each other party
by mail-hand on 2/25/05